

## **REMARKS**

The Office Action dated September 21, 2005, included the following rejections, objections, and comments:

1. Claims 1-40 were provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 1-26 of co-pending application number 10/675,062 or Claims 1-20 of application number 10/675,056.
2. Claims 1-40 were rejected under 35 USC § 103(a) as being unpatentable over US 6,768,086 (Sullivan) in view of US 6,713,733 (Kochman).

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

**1. Provisional Rejection of Clams 1-40 Under Obvious-Type Double Patenting**

Claims 1-40 were provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 1-26 of co-pending application number 10/675,062, or Claims 1-20 of application number 10/675,056. In view of the provisional nature of the rejection, Applicant respectfully submits that it is premature to submit a Terminal Disclaimer. However, when all other issues have been resolved, Applicant will submit the appropriate Terminal Disclaimers.

**2. Rejection of Claims 1-40 under 35 USC § 103(a)**

Claims 1-40 were rejected under 35 USC § 103(a) as being unpatentable over Sullivan in view of Kochman. However, Applicant respectfully submits that there are features of the claimed invention which the cited prior art does not teach, suggest, or provide a motive.

The claimed invention requires a set point resistor and a comparator circuit element. The comparator circuit element compares the resistance of the temperature dependent variable resistance pathway with the set point resistor, and transmits the condition of the relative resistance for these two components to a control circuit element which uses the information to activate or deactivate the conductive resistance pathway. Because the resistance of the temperature dependent variable resistance pathway is dependent upon the temperature, comparison with the set point resistor is how the present invention controls the temperature at which the heating circuit activates and deactivates. Applicant respectfully submits that there is no teaching, suggestion, or motive Sullivan or Kochman to make a comparison of a temperature dependent variable resistance pathway with a set point resistor.